S.B. CIVIL WRIT PETITION NO.1601/2004

Bakshish Singh & Ors. vs. State of Raj. & ors.

Date : 17.10.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. DD Thanvi, for the petitioners.

Mr. HS Sandhu) for the respondents.
Mrs. RR Kanwar, Dy.GA)

- - - - -

Heard learned counsel for the parties.

Learned counsel for the petitioners submits that the Revenue Appellate Authority decided the appeal in favour of the petitioner vide order dated 19.3.2003 but the said order has been set aside by the Board of Revenue by impugned order dated 3.7.2003 without issuing notice to the petitioners in whose favour, the Revenue Appellate Authority decided the appeal. It is also submitted by learned counsel for the petitioners that the Revenue Appellate Authority allowed the appeal after relying upon the judgment of Board of Revenue dated 6.3.2002 passed in Appeal No.14/2001 which is a detailed order but ignoring the said order of Division Bench of Board of Revenue, another Division Bench of Board of Revenue set aside the order of the Revenue Appellate Authority.

Since it is not in dispute that the Board of Revenue reversed the order of the Revenue Appellate Authority but without giving any opportunity of hearing to the

petitioners, therefore, only on this ground alone, this writ petition deserves to be allowed, hence allowed. The order of the Board of Revenue dated 3.7.2003 is set aside. The Board of Revenue may decide the appeal preferred by respondents no.6 to 8 after affording an opportunity of hearing to the petitioners.

(PRAKASH TATIA), J.

S.Phophaliya